

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JOHN REGINALD DAY, JR.

v.

BOARD OF PARDON AND
PAROLES

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CIVIL ACTION NO. G-06-655


ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge that was entered on November 2, 2006. Petitioner filed no objections.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation is correct and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

Accordingly, it is **ORDERED** that the Amended Petition for a Writ of Habeas Corpus of John Reginald Day, Jr. (Instrument No. 6) is **DISMISSED WITHOUT PREJUDICE** for failing to exhaust state remedies.

DONE at Galveston, Texas this 1st day of December, 2006.



Samuel B. Kent
United States District Judge